

Message Text

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ACTION L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 TRSE-00 OFA-01

FMC-01 OPIC-03 OMB-01 CIAE-00 INR-07 NSAE-00 SAL-01

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC 9331

INFO AMEMBASSY PANAMA

C O N F I D E N T I A L LIMA 2499

EO 11652: GDS

TAGS: EFIS, EINV, BDIS, PE

SUBJECT: VAN CAMP SEA FOOD COMPANY PROBLEM WITH GOP

REFS: 73 LIMA 8679, 73 STATE 230956, STATE 29125, LIMA 1085

1. ON MARCH 11 COMMERCIAL ATTACHE WAS VISITED BY DANIEL B. MACLEOD, COUNSEL FOR VANCAMP SEA FOOD COMPANY, SAN DIEGO, CALIFORNIA. MR. MACLEOD REVIEWED A PROBLEM THAT VAN CAMP HAS WITH GOVERNMENT FISHING COMPANY PEPESCA. SEVERAL YEARS AGO WHEN PEPESCA WAS NOT ABLE TO OBTAIN THE TRANSFER OF A REFRIGERATOR SHIP FROM THE MARITIME ADMINISTRATION IN THE U.S., VAN CAMP AGREED TO PURCHASE, RENOVATE AND LEASE A REFRIGERATOR SHIP TO PEPESCA. THIS SHIP WAS TRANSFERRED TO A FOREIGN FLAG AND WAS LEASED TO PEPESCA. FOR TEN YEARS. AT THE END OF TEN YEARS PEPESCA WOULD BECOME THE OWNER OF THE VESSEL IF THE U.S. MARITIME COMMISSION AGREED TO THE TRANSFER.

2. FOR THE PAST TWO AND ONE-HALF YEARS THE SHIP HAS BEEN ANCHORED AT THE FISHING PORT OF BAITA UNUTILIZED. NO PAYMENT HAS BEEN MADE ON THE LEASE. PEPESCA NOW CLAIMS THAT THE CONTRACT IS INVALID BECAUSE THEY WERE NOT AWARE THAT THE TRANSFER OF THE VESSEL AT THE END OF THE TEN-YEAR LEASE WAS SUBJECT TO MARITIME COMMISSION

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APPROVAL.

3. MR. MACLEOD HAS BEEN DISCUSSING WITH PEPESCA A SOLUTION TO THIS PROBLEM. PEPESCA REPRESENTATIVE HAS MADE AN OFFER TO PAY \$900,000 AND TO ALLOW THE REMOVAL OF THE SHIP FROM PERUVIAN WATERS BY VAN CAMP. THIS OFFER IS SUBJECT TO APPROVAL BY THE BOARD OF DIRECTORS OF PEPESCA, COFIDE, AND IT IS ALSO SUBJECT TO THE AVAILABILITY OF FOREIGN EXCHANGE. IN ANY CASE, MR. LACLEOD IS OPTIMISTIC THAT A SUITABLE ARRANGMENT COULD BE WORKED OUT BETWEEN VAN CAMP AND PEPESCA.

4. IF THERE IS NO ARRANGMENT, HOWEVER, VAN CAMP IS FULLY PREPARED TO DEFEND ITS LEGAL RIGHTS BY SEIZING FISHING VESSELS BELONGING TO PEPESCA IN TRANSIT THROUGH PANAMA CANAL ON THEIR WAY TO PERU FROM BUILDING YARDS IN EUROPE. MR. MACLEOD COMMENTED THAT SUCH ACTION WOULD PROBABLY "ROCK THE BOAT" FOR THE EMBASSY.

5. COMMENT: THIS LATEST DEVELOPMENT INDICATES THAT BOTH U.S. COMPANIES INVOLVED IN FISHING VENTURES IN PERU (STAR-KIST AND VAN CAMP - SEE REFTELS) HAVE EXPERIENCED CONSIDERABLE PROBLEMS IN OPERATING VIABLE VENTURES HERE. WE DO NOT PLAN ANY ACTION REGARDING VAN CAMP CLAIM AT THIS TIME BUT WOULD APPRECIATE THE DEPARTMENT PROVIDING US WITH ANY USEFUL BACKGROUND INFORMATION REGARDING THE LEASE OF THE REFRIGERATOR SHIP. FROM BASIS OF CONVERSATION WITH VAN CAMP REPRESENTATIVE, IT APPEARS THAT VAN CAMP WAS IN FACT ABLE TO LEASE A REFRIGERATOR SHIP (NAME UNKNOWN) FROM THE NATIONAL MARITIME ADMINISTRATION AND THEN TURNED THE SHIP OVER TO PEPESCA. WE HAD ORIGINALLY BEEN LED TO UNDERSTAND BY PEPESCA OFFICE THAT THEY HAD DROPPED THE IDEA OF LEASING SUCH A SHIP BECAUSE OF THE DIFFICULTIES INVOLVED AS DESCRIBED IN 1973 STATE REFTEL.
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